



County of El Dorado

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Master Report

File Number: 11-0296

*File ID: 11-0296	Agenda Resolution Type:	Status: Adopted
Version: 1	Reference: DOT Tracking 11-41374	Gov Body: Board of Supervisors
		Created: 03/15/2011
Agenda Title: DOT 06/21/11 CSA 9 Road ZOB Benefit Assessments		Final Action: 06/21/2011

Title: HEARING - Department of Transportation recommending the Board consider adoption of **Resolution 102-2011** confirming the annual benefit assessment for the 2011/2012 tax year for the Road Zones of Benefit within County Service Area No. 9, noting this is a continuation of benefit assessments with no increase over current levels. (Est. Time: 5 Min.)

FUNDING: Zone benefit assessments.

Notes: Coordinated hearing with Environmental Management

Agenda Date: 06/21/2011

Agenda Number:

Sponsors:

Enactment Date:

Attachments: A-Contract Routing Sheet, B-CSA 9 Road Zones Resolution Confirming Benefit Assessments, B1-Exhibit A, C - Fully executed Resolution 102-2011

Time Required:

Same:

Hearing Date: 06/21/2011

Contact: Michele Smith, ASO X 4937

Next Meeting Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:	
1	Board of Supervisors	06/21/2011	Adopted				Pass	
	Action Text:	Hearing no protests, a motion was made by Supervisor Briggs, seconded by Supervisor Santiago, to adopt resolution 102-2011.						
Mover:	Ron Briggs	Yes: 5 - Supervisor Knight, Supervisor Nutting, Supervisor Sweeney, Supervisor Briggs and Supervisor Santiago						5

Text of Legislative File 11-0296

HEARING - Department of Transportation recommending the Board consider adoption of **Resolution 102-2011** confirming the annual benefit assessment for the 2011/2012 tax year for the Road Zones of Benefit within County Service Area No. 9, noting this is a continuation of

benefit assessments with no increase over current levels. (Est. Time: 5 Min.)

FUNDING: Zone benefit assessments.

BUDGET SUMMARY:

Total Estimated Cost \$ 185,935.00

Funding

Budgeted \$ 185,935.00

New Funding \$

Savings \$

Other \$

Total Funding Available \$ 185,935.00

Change To Net County Cost \$ 0.00

Fiscal Impact/Change to Net County Cost:

The proposed benefit assessments will provide sufficient revenue to fund each zone's proposed work projects, contributions to the road zone insurance policy and other costs related to zone administration. The total assessment for 2011/2012 for the road zones of benefit within County Service Area No. 9 is \$185,935.00. There is no impact to the General Fund or the Road Fund, and there is no net County Cost.

Background:

Chapter 2.5 of the California Government Code, also known as "County Service Area Law" contains the regulations for establishing and governing county service areas. This chapter replaced Chapter 2.2, formerly used for the same purpose, through the adoption of Senate Bill 1458 which became effective January 1, 2009.

Revised County Service Area Law omits Section 25210.77a which authorizes the Board of Supervisors to fix and collect benefit assessments to fund services within a County Service Area. Such assessments remain valid, as provided for in Section 25210.3(d) of the new Chapter, which states:

"Any indebtedness, bond, note, certificate of participation, contract, special tax, benefit assessment, fee, charge, election, ordinance, resolutions, regulation, rule or any other action of a board taken pursuant to the former Chapter 2.2 before January 1, 2009, shall not be impaired or voided solely because of the enactment of this chapter or any error, omission, informality, misnomer, or inconsistency with this chapter."

Additionally, the reporting and hearing requirements of former Section 25210.77a and County Ordinance Code Chapter 3.30 remain applicable to such assessments imposed pursuant to that section.

Former Government Code Section 25210.77a (a) and County Ordinance Code Section

3.30.020 include a requirement that, once each year, the Board of Supervisors receive a report containing a description of each parcel of real property receiving the particular extended service and the amount of the charge for each parcel computed in conformity with the ordinance authorizing collection of the charges on the tax roll.

Former Government Code Section 25210.77a(b) and County Ordinance Code Section 3.30.030 also require a public hearing to be set for the purpose of registering protests to the rates to be fixed by the Board, at the conclusion of which the Board adopts the benefit assessments and confirms the content of the annual report.

Reason for Recommendation:

There are thirty road zones of benefit within County Service Areas No. 9 which were formed to fund road improvement and maintenance services within their boundaries. Of the thirty road zones, twelve zones are funded through special taxes which do not require annual renewal. The remaining eighteen shown on Exhibit A of the attached Resolution were established with benefit assessments as the funding mechanism. One of the zones shown on Exhibit A is unfunded because the advisory committee has chosen not to assess the zone.

Seventeen zones are funded through a benefit assessment where advisory committees appointed by the Board have held duly noticed meetings to consider their proposed budgets, assessments and work projects for fiscal year 2011/2012. Based on discussion at those meetings, advisory committees for these zones request that the Board adopt the annual benefit assessments to be applied to the 2011/2012 tax rolls as shown on Exhibit A of the attached Resolution.

The proposed assessments are a continuation of the existing benefit assessments and represent no increase over the fiscal year 2010/2011 assessments. The continued assessments are not subject to a vote under El Dorado County Charter Section 210(c). County Counsel has determined that, so long as they are not increased, these assessments are exempt from the procedures and approval process of Article XIII D of the California Constitution under Section 5(a) of the Article.

A public hearing to consider the proposed assessments has been scheduled for June 21, 2011 at 9:00 a.m., and noticed as required by Government Code Section 25210.77a. Notice is scheduled for publication in the Mountain Democrat on June 8, 2011 and June 17, 2011, and in the Georgetown Gazette on June 9, 2011 and June 16, 2011.

Action to be taken following Board approval:

1. The Clerk of the Board will have the Resolution recorded upon signature by the Chair, and will provide two (2) certified copies of the Resolution to the Department of Transportation for implementation as authorized by law.
2. The Department of Transportation will provide the Auditor Controller with a Certified Copy of the Resolution and a list of the affected Assessor's Parcel Numbers with the

approved benefit assessment amount for each parcel.

Contact:

James W. Ware, P.E.

Director of Transportation

Concurrences:

County Counsel

Resolution #:

#11-41374

Registrar # 11-0296

Resolution and Exhibit A

CONTRACT ROUTING SHEET

PROCESSING DEPARTMENT:

Department: Transportation
 Dept. Contact: Michele Smith
 Phone: X4937
 Department Head
 Signature: *Tom Celio*
 Tom Celio
 Deputy Director, Maintenance and Operations

CONTRACTOR:

Name: Assessment Resolution and Hearing - CSA #9
 Address: Road Zones of Benefit, fiscal year 2011/2012
 Phone: 642-4905

CONTRACTING DEPARTMENT: Transportation

Service Requested: _____
 Contract Term: _____ Contract/Amendment Amount: \$ _____
 Compliance with Human Resources Requirements? Yes: N/A No: _____
 Compliance verified by: Contract Notification Sent _____; HR Response Received _____;
OK per N/A - Resolution

COUNTY COUNSEL: (must approve all contracts and MOUs)

Approved: ✓ Disapproved: _____ Date: 5/11/11 By: D. LIVINGSTON
 Approved: _____ Disapproved: _____ Date: _____ By: _____

SEE REVISIONS TO #11-41373. - Revised as recommended by 5/22/11

Index Code: <u>Various - Special Districts</u>	User Code: <u>No Charge</u>
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RISK MANAGEMENT: (All contracts and MOUs except boilerplate grant funding agreements)

Approved: _____ Disapproved: _____ Date: _____ By: _____
 Approved: _____ Disapproved: _____ Date: _____ By: _____

RISK MANAGEMENT REVIEW NOT REQUIRED - PLEASE RETURN DIRECTLY TO DOT

OTHER APPROVAL (Specify department(s) participating or directly affected by this contract).

Department(s): _____
 Approved: _____ Disapproved: _____ Date: _____ By: _____
 Approved: _____ Disapproved: _____ Date: _____ By: _____